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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF CHELAN

Timothy Borders, Thomas Canterbury, Tom Huff, Margie Ferris, Paul Elvig, Edward Monaghan, and Christopher Vance, Washington residents and electors, and the Rossi for Governor Campaign, a candidate committee.

Petitioners,

VS.

King County and Dean Logan, its Director of Records, et al.

Respondents.

No. 05-2-00027-3

DECLARATION OF ERIKA KUBISCHTA

- I, Erika Kubischta, declare as follows;
- 1.I am the Elections Supervisor of Skagit County. I am over eighteen years of age and competent to testify. I have personal knowledge of the facts stated below.
- 2. As Elections Supervisor, I manage and administer the Skagit County Elections and Voter Registration Activities pursuant to Title 29A RCW and applicable chapters of the Washington Administrative Code. I have served as Elections Supervisor since June, 2002.
- 3.I understand that the "Petitioners' First Interrogatories and Requests for Production" were received by the Skagit County Prosecuting Attorney on Tuesday, January 11, 2005.

DECLARATION OF ERIKA KUBISCHTA Page 1

SKAGIT COUNTY PROSECUTING ATTORNEY 605 S. 3RD ST. -- Courthouse Annex Mount Vernon, WA 98273 Phone: (360) 336-9460 Fax: (360) 336-9497 However, my office did not receive a copy until yesterday, January 13, 2005. I have reviewed these requests initially to determine what will be required to prepare responses. I am aware that Petitioners seek an order requiring responses by January 21, 2005. From my initial review, I have determined that it will not be possible for me and my staff to prepare responses to some of the discovery requests by January 21, 2005. Below, I have detailed the tasks required to respond to these requests. This explains why additional time will be needed.

4. Skagit County currently has a local Election on January 19, 2005 which we must prepare for. This explains, in part, why we require additional time.

5.Interrogatory No. 3(c) requests the number of federal write-in ballots that were cast by voters not previously registered. When Skagit County receives a federal write-in ballot from an individual not previously registered in Skagit County, the individual's name is entered on the voter registration database and their ballot is counted. The envelopes that the ballots arrived in and the ballots themselves are not kept separate from all other absentee ballots. To obtain the number of these ballots, the federal write-in envelopes will have to be located from amongst all other absentee envelopes (approximately 35,000) and then the individual voter registration records will have to researched to determine the actual date of registration to determine if the voter was a registered voter prior to receiving their ballot or was added to the voter registration database upon receipt of their federal write-in ballot. It will not be possible for the staff of the Auditor's Office to perform these tasks prior to January 21, 2005. 6. Interrogatory No. 4 requests a list of precincts in which more voters received credit for voting than the number of ballots counted from those precincts. Skagit County is beginning

DECLARATION OF ERIKA KUBISCHTA

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to compile the data by precinct and will not be completed by January 21, 2005.

7.In Request for Production No. 9, Petitioners seek access to all original ballots that were enhanced or duplicated. In Skagit County, a log is kept of every ballot that is enhanced. The log tracks the ballot style and precinct, the Board identifier of the election worker team that enhanced the ballot, the date of enhancement and a control number. If the court orders Skagit County to supply actual ballots, all original ballots are kept in sealed containers and must be reviewed and organized. Once again, this task cannot be performed by available staff prior to January 21, 2005

8. Request for Production No. 3 asks for any documents sufficient to show (a) any Reconciliation Discrepancy in Skagit County and any causes for such discrepancies and (b) any consideration of the causes of such discrepancies. This request requires manual review of Skagit County's election archives for the last 10 General Elections which cannot be completed in prior to January 21, 2005.

9. Although we cannot respond to the discovery requests within the extremely short expedited timeline proposed by the Petitioners, our office is prepared to respond in a reasonable time.

Once again, this task cannot be performed by available staff prior to January 21, 2005.

EXECUTED at Mount Vernon, Washington on January 19, 2005.

By: /S Erika Kubischta Erika Kubischta

DECLARATION OF ERIKA KUBISCHTA Page 3

Fax: (360) 336-9497